

## CHAPTER 3 – ANIMALS AND HUNTING

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**PART 1 – ANIMALS**

**Section 1. Definitions.**

The following words, terms and phrases appearing in this Chapter shall have the meanings appearing below, unless the context establishes a different meaning:

***Animal*** means every living creature, domestic or non-domestic, but does not include humans.

***Animal Shelter*** means any premises designated by the Columbus County Board of Commissioners for the purpose of impounding and caring for the animals.

***At Large*** - An animal shall be deemed to be at large when it is off the physical property of its owner or keeper and not under physical restraint.

***Board of Health*** means the Board of Health of the Columbus County Health Department.

***Commercial Animal Establishment*** means any pet shop, grooming shop, auction, riding school or stable.

***Health Department*** means the Health Department of Columbus County.

***Health Director*** means the Health Director of the Health Department.

***Dangerous dog*** means:

1. A dog that without provocation has killed or inflicted severe injury on a person; or
2. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

***Exposed to Rabies*** means an animal shall be deemed to have been exposed to rabies if it has been bitten by, or been in the presence of, any animal known or suspected to have been.

***Grooming Shop*** means any establishment, whether operated separately or in connection with another business enterprise, which provides hair and nail clipping, bathing, or any other cosmetic services for animals.

***Impoundment*** means any animal in custody of a person or animal shelter duly authorized by the Columbus County Commissioners.

***Keeper*** means a person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

***Kennel*** means any premises wherein a person boards, lets for hire, trains for a fee, breeds, buys or sells dogs or cats. This shall not include the ownership of dogs which are part of the

household or which are maintained adjoining a private residence for hunting, tracking practice, exhibition, or the guarding or protection of the owner's property when no more than five (5) dogs per year are sold by such owner.

**Nuisance animal** means an animal or group of animals shall be considered a nuisance if it:

1. Damages, soils, or defiles private or public property;
2. Interferes with, molests, or attacks persons or other animals,
3. Is repeatedly at large;
4. Causes unsanitary, dangerous, or offensive conditions including fouling of the air by odors;
5. Chases, snaps at, harasses, or impedes pedestrians, bicyclists, or vehicles;
6. By virtue of number or type is offensive or dangerous to the public health, safety or welfare;
7. Is diseased or dangerous to the public health.

**Owner** means a person having the right of property in an animal.

**Owner's real property** means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex or townhouse development.

**Person** as defined in Chapter 1.

**Pet** means any animal kept for pleasure rather than utility.

**Pet Shop** means any commercial establishment whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal.

**Potentially dangerous dog** means a dog that:

1. Inflicted a bite on a person that resulted in broken bones or broken skin or required cosmetic surgery or hospitalization;
2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

Exclusions: the provisions of this Chapter do not apply to:

1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;

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2. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a lawful hunting dog, herding dog or predator control dog on the property of or under the control of its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
3. A dog where the injury was inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort; was tormenting, abusing or assaulting the dog; or had tormented, abused or assaulted the dog; or was committing or attempting to commit a crime.

***Severe injury*** means any physical injury that results in broken bones or lacerations or requires cosmetic surgery or hospitalization, the cost of such medical treatment exceeding \$100.00.

***Riding School or Stable*** means any place that has available for hire, boarding and/or riding instruction any horse, pony, donkey, or burro.

***Restraint*** means any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by a leash or lead, or confined.

***Security Dog*** means a dog that is trained or conditioned to attack or otherwise respond aggressively, but only upon command from a handler either off or on lead.

***Stray*** means any domestic animal not wearing a tag and collar.

***Suspected of having Rabies*** means an animal that has bitten a person will be confined for ten (10) days according to state statutes regarding rabies bites.

***Veterinary Hospital*** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

***Vicious Animal*** means an animal that constitutes a physical threat to humans or other domestic animals.

Section 2. Agency Authority and Responsibility.

Authority is hereby granted to the Columbus County Board of Commissioners to establish and maintain an animal control program, to employ animal control officers and such other employees as shall be determined necessary, and to appoint and compensate animal control officers and such other employees in accordance with policies of Columbus County. The employees of the animal control program shall:

1. Shall enforce all ordinances of the County pertaining to animals and shall cooperate with all law enforcement officers within Columbus County in fulfilling this duty.
2. Enforce and carry out all laws of North Carolina and ordinances of Columbus County pertaining to rabies control.
3. Be responsible for the investigation of all reported animal bites, for the quarantine of any dog or cat involved and suspected of having rabies, for a period of not less than ten (10) days, and for reporting to the Health Director as soon as practical the occurrence of any such animal bite and the condition of any quarantined animal.
4. Be responsible for the operation of the animal shelter.
5. Be responsible for the seizure and impoundment, where deemed necessary, of any dog or other animal in Columbus County involved in a violation of this or any other ordinance or state law.
6. Investigate cruelty or abuse with regard to animals.
7. Make such canvasses of the county, including the homes in the county, as necessary for the purpose of ascertaining compliance with the ordinance or state statute.
8. Keep, or cause to be kept, accurate and detailed records of:
  - a) Seizure, impoundment, and disposition of all animals coming into the custody of the animal control programs.
  - b) Bite cases, violations and complaints, and investigation, of it.
  - c) All monies belonging to Columbus County which were derived from fees, penalties, license tags, sales of animals, or other sources.
  - d) Any other matters deemed necessary by the Health Directors and County Manager/Administrator.
9. Be empowered to issue notice of violations of this ordinance in such form as the Columbus County Commissioners and Health Director deemed necessary.
10. Animal Control officers shall not be authorized to carry on their person any firearms of any kind unless otherwise authorized by the Animal Control Director. Animal Control Officers may store at the animal shelter or carry in departmental vehicles firearms approved for use and use such firearms when necessary to enforce sections of this chapter or under applicable laws for the control of wild, dangerous, vicious or diseased animals.

11. An advisory committee is created to advise the Board of Commissioners and, the animal control director with respect to animal control matters. The advisory committee shall be composed of members appointed by the Board of Commissioners and shall serve at the pleasure of the Board. Members will include but are not limited to interested citizens and persons representing animal care, welfare or similar organizations.

Section 3. Cruelty to Animals.

- A. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat, needlessly mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal, or to cause or procure such action. The words "torture" and "torment" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is construed to prohibit lawful taking of animals under the jurisdiction and regulation of the Animal Control officers or persons duly authorized by the County Commissioners or Veterinarians from destroying dangerous, unwanted, or injured animals in scientific research.
- B. It shall be unlawful for any owner or keeper to fail to provide his animal or animals with proper shelter and protection from the weather, sufficient and wholesome food and water to keep his animal or animals in good health and comfort; the opportunity for vigorous daily exercise, veterinary care when needed to prevent suffering, and humane care and treatment.
- C. It shall be unlawful for any person to sell or offer for sale, barter, or give away within the county baby chickens, baby ducklings, or other fowl under six (6) weeks of age or rabbits under eight (8) weeks of age as pets, toys, premiums, or novelties; provided, however, that this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings or other fowl, or such rabbits in proper facilities by breeders, or stores engaged in the business of selling for purposes other than for pet or novelties.
- D. It shall be unlawful to color, dye stain or otherwise change the natural color of baby chickens or other fowl or rabbits.
- E. It shall be unlawful for any person to tether any fowl.

Section 4. Animals Creating Nuisance Prohibited.

- A. It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

B. Compliance shall be required as follows:

1. When an animal control officer, law enforcement officer, or person duly authorized by the Columbus County Commissioners serve a violation, the owner or keeper will be provided written notice of such violation and be given 48 hours from time of notification to abate the nuisance.
2. Upon receipt of a written detailed and signed complaint being made to the Columbus County Animal Control Officer by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the Columbus County Animal Control Officer shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing.
3. If the written findings indicated that the complaint is justified, the Columbus County Commissioners or designee duly authorized by the Commissioners, shall cause the owner or keeper of the animal(s) in questions to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means necessary.
4. In the event the owner or keeper of the animal(s) is unknown and cannot be ascertained, the notice and order, along with a general description of the animal(s) be posted for forty-eight (48) hours at the animal shelter and the county courthouse.

C. It shall be unlawful for a person to fail or refuse to abate the nuisance as required by this ordinance.

Section 5. Luring, Enticing, Seizing, Molesting or Teasing an Animal.

It shall be unlawful of any person to entice or lure any animal out of an enclosure or off the property of its owner or keeping, or to seize, molest or tease any animal while the animal is held or controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

Section 6. Compliance with State Rabies Law-Supplemental to State Rabies Laws.

- A. It shall be unlawful for any animal owner or other person to fail to comply with the state and county laws relating to the control of rabies.
- B. It is the purpose of this ordinance to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the criminal penalties provided by state law.



Section 7. Vaccination of Dogs, Cats and Other Pets.

- A. It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months or older. Should it be deemed necessary by the Health Director or the Board of County Commissioners that other pets be vaccinated in order to prevent a threatened epidemic or to control an existing epidemic, it shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies for that pet.
- B. A rabies vaccination shall be deemed "current" for a dog and cat if two vaccinations have been given one year apart and booster doses of rabies vaccine administered every 3 years thereafter.
- C. All antirabic vaccine shall be administered by a licensed veterinarian.

Section 8. Vaccination Tag and Certificate.

- A. Upon complying with the provisions of Section 9 of this ordinance, there shall be issued to the owner or keeper of the dog or cat vaccinated a rabies tag, stamped with a number and the year for which issued, and a rabies vaccination certificate.
- B. It shall be unlawful for any dog owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with attached tag, must be worn at all times.
- C. In addition to all other penalties as prescribed by law, a dog or cat is subject to impoundment in accordance with the provisions of this ordinance if the dog or cat is found not to be wearing a currently valid rabies tag.
- D. It shall be unlawful for any person to sue for any animal a rabies vaccination tag for an animal other than the one using the tag.
- E. All dogs or cats shipped or otherwise brought into this county, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one week after entry, and shall remain confined for two additional weeks after vaccination unless accompanied by a certificate issued by a licensed veterinarian showing that said dog or cat is apparently free from rabies and has not been exposed to same and that said dog or cat has received a proper dose of rabies vaccine not more than six months prior to the date of issuing the certificate.

Section 9. Notice to Health Director When Person Bitten: Confinement Of Animal.

- A. When a person has been bitten by an animal having rabies or suspected of having rabies, it shall be the duty of such person, or his parent or guardian if such person is a minor, and the person owning such animal or having the same in his possession or under his control; to notify the Health Director or person duly authorized by the Health Director and give their names and addresses; or under his control shall immediately securely confine the animal for ten (10) days at the expense of the owner in such place as may be designated by the Health Director. It shall be the duty of every physician, after his first professional attendance upon a person bitten by any animal having rabies or suspected of having rabies, to report to the Health Director the name, age, and sex of the person bitten, and precise location of the bite wound, within twenty-four (24) hours after first having knowledge that the person was bitten. If the owner of or a person who has in his possession or under his control an animal having rabies or suspected of having rabies refuses to confine the animal as required by this ordinance or by G.S. 106-378, the Health Director or designee may order seizure of the animal and its confinement for ten (10) days in such place as the Health Director or designee deems appropriate.
- B. Law enforcement agencies investigating animal bites, shall report such bites immediately to the Health Director or person duly authorized by the Health Director and give the names and addresses of persons bitten and owner of animal.
- C. Animals confined per "Section A" above shall be confined at the expense of the owner or keeper.
- D. In the case of an animal whose owner or keeper is not known, the animal shall be kept for the supervised confinement period required by this ordinance at the animal shelter.
- E. Badly wounded, diseased, or suffering animals, which are suspected of having rabies may be humanely destroyed immediately and the head forwarded for examination.

Section 10. Destruction or Confinement of Animal Bitten by a Known Rabid Animal

Animals not vaccinated against rabies, which are bitten, by a known rabid animal shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) month at the owner's expense. If the animal has a current rabies vaccination, it shall be revaccinated within 72 hours and returned to the owner or keeper. If the owner or keeper refuses to vaccinate the animal, then a release must be completed and signed by the Animal Control Officer and the owner or keeper of said pet.

Section 11. Area-Wide Emergency Quarantine.

- A. When reports indicate a positive diagnosis of rabies to the extent that lives or persons are endangered, the Health Director may declare an area-wide quarantine for such period, as he/she deems necessary. Upon invoking of such emergency quarantine, no dogs or cats may be taken or shipped from the county without written permission of the Health Director. During such quarantine the Health Director, Law Enforcement Officer or persons duly authorized by the Health Director may seize and impound any dog or cat found running at large in the county. During the quarantine period the Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies facilities strategically located throughout the county.
- B. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended at the discretion of the Health Director.

Section 12. Post Mortem Diagnosis.

- A. If an animal dies under observation for rabies, the head of such animal shall be submitted to the District Health Department for shipment to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.
- B. The carcass of any animal suspected of dying of rabies shall be surrendered to the Health Department Animal Control Division. The head of such animal shall be shipped to the laboratory Section of the North Carolina Department of Environment, Health and Natural Resources.

Section 13. Unlawful Killing or Releasing of Certain Animals.

It shall be unlawful for any person to kill or release any animal under observation for rabies, or any animal under observation for biting a human, or to remove such animal from the county without written permission from the Health Director, or persons duly authorized by the Health Director. The Health Director, or persons(s) duly authorized by the health Director, may authorize any animal to be killed for rabies diagnosis.

Section 14. Failure to Surrender Animal for Confinement or Destruction.

It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this ordinance, when the Health Director makes demand therefor.

Section 15. Impoundment.

- A. Any animal, which appears to be lost, stray or unwanted, or not wearing a current valid rabies vaccination tag, as required by the state law of this ordinance, may be seized, impounded, and confined in a humane manner in animal shelter.
- B. Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty, which may be imposed for violation of this ordinance.

Section 16. Notice to Owner or Keeper.

- A. Upon impounding an animal, notice of such impoundment shall be posted for a minimum of seventy-two (72) hours, beginning with the time the animal enters the animal shelter, or until the animal is disposed of. Reasonable effort shall be made to identify the owner or keeper of the conditions whereby the animal may be redeemed.
- B. Such notice shall be prominently displayed on a bulletin board at the animal shelter and the time and place of the taking of such animal, together with the time and place of posting the notice shall be stated therein.

Section 17. Redemption by Owner or Keeper.

- A. The owner or keeper of an animal impounded under this ordinance may redeem the animal and regain possession thereof within seventy-two (72) hours after notice of impoundment is posted as required by this ordinance by paying any applicable fees as determined by the Board of County Commissioners.
- B. No animal owner or keeper may be permitted to adopt his own animal under the provisions of this ordinance, but he must comply with the provisions of this ordinance in order to reclaim an animal that has been impounded pursuant to state law or this ordinance.
- C. The provisions of this section shall have no application with respect to animal surrendered by the owner or keeper to the Columbus County Animal Shelter for immediate adoption or destruction as provided for in Section 20.

Section 18. Destruction or Adoption of Unredeemed Animal.

- A. If an impounded animal is not redeemed by the owner or keeper within the period prescribed in Section 17, it may be destroyed in a humane manner or shall become the property of the animal shelter(s) and offered for adoption to a reasonable adult who is willing to comply with this ordinance and policies promulgated by the Columbus County Commissioners.

- B. No animal which has been impounded by reason of its being a stray, unclaimed by its owner or keeper, shall be allowed to be adopted from the animal shelter during a period of emergency rabies quarantine invoked pursuant to this ordinance, except by special authorization of the Health Director.

Section 19. Procedure with Respect to Redemption or Adoption of Unvaccinated Dog or Cat.

- A. Unless proof of a current rabies vaccination can be furnished, every person who either adopts or redeems a dog/cat at the animal shelter will be given a "proof of rabies vaccination notice" at the time for the redemption or adoption. This notice will be stamped with a date stating the maximum time limit allowed to take the dog/cat to the veterinarian of such person's choice for rabies vaccination. The time limit for dogs/cats four (4) months and older will be twenty-four (24) hours. For puppies/kittens under four (4) months, the time limit will vary according to their age.
- B. The "proof of rabies vaccination notice" will be completed by the veterinarian and returned to the shelter by the animal owner or keeper.
- C. Payment for rabies vaccination provided for in this section will be the responsibility of the person redeeming or adopting the animal.

Section 20: Immediate Placement for Adoption or Destruction of Owner Surrendered Animals.

- A. Any animal surrendered by its owner to the Animal Control Division of Columbus County may be immediately placed for adoption or humanely destroyed by the Animal Control Division when:
  - 1. The owner directs in writing that the animal be placed for adoption or humanely destroyed;
  - 2. The owner affirmatively represents in writing that he/she is in fact the legal owner of said animal;
  - 3. The owner agrees that he/she will indemnify and hold the Animal Control Division/Columbus County harmless from any loss or damage it may sustain, including attorney's fees, by reason of the destruction or placement for adoption of said animal; and
  - 4. The owner transfers ownership of said animal to the Animal Control Division and releases Columbus County from any and all future claims with respect to the said animal.

B. Upon receiving said assurance, the Animal Control Division may rely on the same and place said animal for adoption, or destroy said animal, as it sees fit. The waiting periods provided in Sections 24-25 shall not apply to immediate adoption or destruction as provided for in this section.

Section 21: Destruction of Wounded, Diseased, or Unwanted Animals.

Notwithstanding any other provision of this ordinance, any animal seized and impounded which is badly wounded, diseased (not a rabies suspect), or unwanted and has no identification shall be destroyed immediately in a humane manner, if the animal has identification, the Animal Control Division shall attempt to notify the owner or keeper before disposing of such animal. If the owner or keeper cannot be reached readily, and the animal is suffering, the Animal Control Division may destroy the animal at its discretion in a humane manner.

Section 22: Destruction of Animals that Cannot be Seized by Reasonable Means.

Notwithstanding any other provision of this ordinance, an animal, which cannot be seized by reasonable means, may be humanely destroyed by order of the Health Director or person duly authorized by the Health Director.

Section 23: Injuring Animals, Notice Required.

It shall be unlawful for any person injuring an animal to fail to notify immediately the owner or keeper of said animal, or an animal control agency, or a local humane society.

Section 24: Keeping Stray Animals.

- A. It shall be unlawful for any person in the county knowingly and intentionally to harbor, feed, keep in possession by confinement, or otherwise allow to remain on his property any animal which does not belong to him, unless he has, within seventy-two (72) hours from the time such animal came into his/her possession, notified the Animal Control Division or person duly authorized by the Columbus County Commissioners. Upon receiving such notice, the Animal Control Division or person duly authorized by the Board of Columbus County Commissioners shall take such animal and place it in the animal shelter and deal with it as provided by the Columbus County Policy.
- B. It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Division or person duly authorized by the Columbus County Commissioners upon demand.

Section 25: Dangerous Dog/Potentially Dangerous Dog.

- A. ***Procedure.*** Upon determination by the Animal Control Officer that an animal is dangerous or potentially dangerous, the owner or keeper has the right to appeal within 24 hours to a panel of two people appointed by the Board of Commissioners. When making the determination that a dog is a dangerous dog or a potentially dangerous dog, animal control services must notify the owner in writing, giving the reasons before the dog may be considered dangerous or potentially dangerous under this section. The committee shall consider any written response by the owner to the written notification. If there is a split decision, the chairman of the board of commissioners or his designee will make the final determination. Once a decision has been made, the owner must provide animal control with a current address where the dog will be housed, notify animal control within 48 hours of any change in address of the owner or the dangerous dog, and follow all state laws and county ordinances dealing with dangerous or potentially dangerous dogs until all appeals have been exhausted and a final decision rendered or no appeal is requested; and the decision if final.
- B. ***Precautions against attacks by dangerous or potentially dangerous dogs and Unlawful acts.*** If so ordered in the determination made pursuant to subsection A of this section, it is unlawful for an owner to:
1. Leave a dangerous dog or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors:
    - a) In a securely enclosed and padlocked pen with a concrete bottom or a bottom to prevent escape and a secure top;
    - b) along with the posting of the premises with four clearly visible warning signs adequate to inform the public, including children, of the presence of a dangerous dog, and strategically placed on the property as designated by the appropriate county authority.
    - c) The owner or keeper shall have 72 hours to prepare such area to enclose the animal. Chaining or tying does not meet the requirements of this Part.
  2. Permit a dangerous dog or potentially dangerous dog to go beyond the owner's real property unless the owner or guardian has the dog leashed and the leash in hand and the dog muzzled or otherwise securely restrained and muzzled.
  3. Even in the presence of an owner or others, permit a dangerous dog or potentially dangerous dog on the owner's property, not confined in a secured enclosure, to be without a muzzle.
- C. ***Determination.*** In the determination, the committee appointed by the Board of Commissioners may waive any of the measures included in this section, or other similar measures or conditions may be substituted in their place.

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1. Within 72 hours after a dangerous dog or potentially dangerous dog the owner must affix a tag to the collar of the dog as directed by the Animal Control Officer.
  2. If the owner of a dangerous or potentially dangerous dog transfers ownership or possession of the dog to another person, the owner shall provide written notice within 48 hours to:
    - a) The authority that made the determination under this section, stating the name and address of the new owner or possessor of the dog; and
    - b) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
  3. The person taking ownership of the dog shall notify animal control services within 48 hours of the dog's change of address and their knowledge of the committee's determination.
  4. Violation of this section is a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days or both.
- D. ***Violation of conditions; euthanization.*** Animal Control services may take possession of any dog concerning which it has cause to believe an owner has violated section C. For this purpose, the requirement for sufficient cause shall be satisfied if an officer observes the violation or if the animal control department receives verbal or written complaints from a citizen(s). An owner who violated section C in a willful or grossly negligent manner may be found by the Animal Control Director to have forfeited all rights of ownership of the dog; and upon a final determination of such violation, the dog may be humanely euthanized by Animal Control. The committee appointed by the Board of Commissioners shall hear any appeal within 72 hours to determine whether the owner's violation was willful or grossly negligent; and the committee or board must notify the owner in writing, giving the reasons for the determination, before the dog may be euthanized.
- E. ***Liability for injury to livestock or fowls.*** If any dog, not being at the time on the premises of the owner or person having charge thereof, shall kill any livestock or fowls, the owner or person having such dog in charge shall be liable for damages sustained by the injury, killings, or maiming of any livestock and cost of suit.
- F. ***Failing to kill a mad dog.*** If the owner of any dog shall know, or have good reason to believe, that his dog, or any dog belonging to any person under his control, has been bitten by a mad dog and shall neglect or refuse immediately to kill the same, he shall forfeit and pay the sum of fifty dollars (\$50) to him who will sue therefore; and the offender shall be liable to pay all damages which may be sustained by anyone. in his property or person, by the bite of any such dog and shall be guilty of a Class 3 misdemeanor. (G.S. 67-4)



**G. *Mad dogs, dogs killing sheep, etc., may be killed.***

1. Any person may kill any mad dog, and also any dog if he is killing sheep, cattle, hogs, goats, or poultry.
2. Any person may kill any dog that has been determined dangerous or potential dangerous by the Animal Control Officer if the dog is on his/her property and unrestrained.

**Section 26: Security Dog Permit Required.**

- A. It shall be unlawful to keep, maintain, or use any dog in the county for the purpose of protecting any commercially or industrially used property or person on such property unless a permit for the same shall have been obtained from the Animal Control Division in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.
- B. It shall be unlawful to keep, maintain or use any patrol or sentry dog in the county for the purpose of protecting any residentially used property or person on such property unless a permit for the same shall have been obtained from the Animal Control Division in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked.
- C. The Columbus County Board of Health/County Commissioners shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care of all security dogs and for the compliance with this provision of this ordinance and applicable laws, regulations from time to time as deemed desirable for public health and welfare for the protection of security dogs.
- D. The Animal Control Division may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Columbus County Board of Health/Commissioners, or any law governing the protection and keeping of animals.

**Section 27. Non-Domestic Animals-Prohibited.**

No person shall possess or harbor any non-domestic animal/animals which are dangerous to persons or property or which have the potential of being dangerous to persons or property. This section shall not apply to bona fide circuses, petting zoos, and other traveling commercial exhibitions of limited duration. Ownership must register with N.C. Wildlife Department or proper agent.

Section 28. Collecting Dogs/Cats for Resale-Permit Required.

- A. It shall be unlawful for any person to collect any dog/cat for the purpose of resale unless a permit for the same shall have been obtained from the Animal Control Division in accordance with the provisions of this section and unless such permit shall remain unsuspended and unrevoked. This EXCLUDES Hunting Dogs. Permit Fee: \$500.00.
- B. The Columbus County Board of Commissioners shall promulgate regulations and applicable fee schedule for the issuance of permits and shall include requirements for humane care and transportation of all dogs/cats for the compliance with the provisions of this ordinance and applicable laws. The Columbus County Commissioners may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of collected dogs/cats.
- C. The Animal Control Division may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, the regulations promulgated by the Columbus County Board of Commissioners, or any law governing the protection and keeping of animals.

Section 29. Interference with Enforcement.

It shall be unlawful for any person to interfere with, hinder, or molest the employee of the Animal Control Division or persons in the custody of such persons, except as otherwise specifically provided.

Section 30. Penalty for Violation.

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in N.C.G.S.14-4. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issuing from a court or competent jurisdiction pursuant to G.S. 153A-123 (d) and (e).
- C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance may also subject the offender to the civil penalties hereinafter set forth.
  - 1. Such civil penalties may be recovered by Columbus County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the

prescribed time following the issuance of notice for such violation.

2. Such notice shall, among other things:
  - a) State upon its face the amount of the penalty if such penalty were paid within 12 hours from and after the issuance of the notice and the late fee (\$1.00). If paid more than 72 hours after its issuance.
  - b) Notify such offender that a failure to pay the penalty within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of twenty-five dollars (\$25.00), together with the cost of the action to be taxed by the Court.
  - c) Further provide that such offender may answer the said notice by mailing said notice, and stated penalty to the Animal Control Division and its mailing address, and that upon payment, such case or claim and right of action by Columbus County will be deemed comprised and settled.
  - d) State that such penalties must be paid within 72 hours from issuance of such notice. Such notice shall further state that if such notice of violation is not paid within said 72-hour period, court action by the filing of a civil complaint for collection of such penalty may be taken.
3. The Animal Control Division is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action, which Columbus County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such contended violation or violations.
4. The civil penalty for violation of this ordinance is twenty-five dollars (\$25.00). Said penalty shall be paid within 72 hours from and after the issuance of the notice referred to in this section.
5. The notice of violation referred to herein may be delivered to the person violation the provisions of this ordinance in person, or may be mailed to said person at his last known address.
6. In addition to the penalty prescribed in subsection (4) above, a one-dollar (\$1.00) penalty shall be imposed in all those cases in which the above penalty has not been paid within the authorized 72-hour period. Should it become necessary to institute a Civil action to collect any penalty hereunder, and then the violation shall also be subject to an additional penalty of \$25.00.
7. All penalties paid to the Animal Control Division or as may be recovered in a civil action in the nature of debt as herein provided shall be paid into the General fund of Columbus

County.

Section 31. Adoption of Certain Animals.

A. A responsible adult, upon application, vaccination when necessary and payment of the established fees, may adopt animals owned by the Animal Shelter as a pet as follows:

1. Generally, the adoption fee for dogs shall be five dollars (\$5.00) and the adoption fee for cats shall be two dollars (\$2.00). An additional fee of two dollars (\$2.00) per day for dogs and fifty cents (\$.050) per day for cats will be charged for each day of keeping the animal in the animal shelter including the date of impoundment, but not the date of adoption. In no case shall the total cost of adoption, adoption fee plus per day fee exceeds fifteen dollars (\$15.00) for a dog. In addition, if the animal does not have a valid rabies vaccination, upon the adoption of the animal the person shall pay for the cost of rabies vaccination and received it from local veterinarian.
2. Puppies/kittens four (4) months or younger may be adopted at a rate of five dollars (\$5.00) per puppy and two dollars (\$2.00) per kitten, but no daily fee should be charged. At such time these puppies/kittens are eligible for rabies vaccination it shall be the duty of the owner to have these animals vaccinated. At the time for adoption, the Animal Control Supervisor will issue a card to that owner to be returned upon the animal receiving the required vaccination.
3. The Columbus County Commissioners and Animal Control shall determine animals other than dogs/cats that should require impoundment and a redemption fee. Unclaimed animals shall be auctioned after five (5) days.

B. Fees.

(1) The following fees shall be charged for redemption of animals impounded under the provisions of this chapter:

- |   |                                  |
|---|----------------------------------|
| a) First impoundment:                     | No cost.                         |
| b) Second impoundment:                    | \$5.00 per dog, \$2.00 per cat   |
| c) Third impoundment:                     | \$25.00 per dog, \$8.00 per cat  |
| d) Subsequent impoundments within 1-year: | \$50.00 per dog, \$25.00 per cat |

(2) An additional fee of three dollars (\$3.00) per day for dogs and one dollar (\$1.00) per day for cats will be charged each day of keeping the animal in the animal shelter, including the date of impoundment, but does not have a valid rabies vaccination an additional fee will be charged to cover the cost of the rabies vaccination and any county tax that may be due. Euthanasia of dogs/cats at the owner's request is a \$3.00 fee.

- C. Animals shelter cannot care for: The Animal Control Supervisor is authorized to obtain suitable board, maintenance and care for any impounded animal (domestic livestock) from any available source, which the animal shelter is not equipped to care for. The owner of the animal impounded and cared for under this section may redeem the animal within five (5) days, upon the payment of all costs of maintenance, transportation and care, plus the regular redemption fees. If not redeemed, the animal shall be sold for fair market value and a report of the sale shall be duly reported to the Finance officer, or disposed of in any manner not inconsistent with the provisions of the General Statutes of the State.
- D. An animal held for observation or rabies: Animals may be held for observation to determine if the animal is rabid. If at the end of the ten-day holding period, the animal shows no sign of being rabid, the owner may redeem the animal at the animal shelter upon payment of the required redemption fee required in this article, plus any other fee provided for in this article. If at the end of the ten-day observation period the animal shows no signs of being rabid and the owner of the animal does not redeem this animal at the animal shelter within five days 72 hours, this animal shall become the property of the county and shall be adopted or disposed of at the discretion of the Animal Control Supervisor.
- E. Unclaimed animals: Animals unclaimed by their owners are to be destroyed in a humane manner under the direct supervision of the Animal Control Supervisor or adopted by a responsible person.
- F. Obstructing, interfering with impoundment procedures: It shall be unlawful for any person to obstruct or interfere in any manner with the restraint, capture, transportation or impoundment of any dog or other animal found to be in violation of any provision of this chapter. In addition, it shall be unlawful for any person to release or attempt to release any dog or other animal that has been impounded except as provided in this chapter.
- G. Animal released by owner to animal shelter. A person who is the owner of any animal may release the animal into the custody and control of an Animal Control Officer or may deliver the animal to the animal shelter. However, upon transfer of custody the animal is eligible for immediate adoption or euthanasia.

Section 32. Enactment.

The ordinance establishing the provisions of this Part was passed by the Board of Commissioners on January 22, 1991, upon motion by Commissioner Junior Dew, seconded by Commissioner Samuels G. Koonce and passed unanimously, and recorded in the minutes of said meeting in Minute Book 21, Page 123-132. The above ordinance was revised by the Columbus County Board of Commissioners on December 2, 2002, upon motion by Commissioner McKenzie, seconded by Commissioner Norris and passed unanimously.

## **PART 2 – HUNTING**

### Section 1. Unlawful to Hunt from Public Right-of-Way.

It is unlawful to hunt, take, or kill any wild animal or wild bird with a firearm on, from, or across the right-of-way of any public road or highway in Columbus County without first obtaining the written permission of the owner or lessee of the land abutting the road or the land across which the weapon is being discharged.

### Section 2. Exceptions.

Section 1 of this Part does not apply to the owner or lessee of the real property. A hunter recovering dogs shall not be in violation of Section 1 of this act so long as all of the hunter's weapons remain in a motor vehicle.

### Section 3. Violation.

Violation of this Part is a Class 3 misdemeanor.

### Section 4. Enforcement.

This Part is enforceable by law enforcement officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and by other peace officers with general subject matter jurisdiction.

### Section 5. Effective Date.

This act becomes effective October 1, 1997.

### Section 6. Enactment.

The above Part is enacted by special legislation known as House Bill 516 (Special Legislation for Columbus County) and was passed by the Board of County Commissioners on July 21, 1997, upon motion by Commissioner Britt, seconded by Commissioner Jacobs and passed unanimously and recorded in the Minutes of the said meeting, Book 24, page 123.